

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE:

**MIRSADA HUSAGIC,
AHMET HUSAGIC,**

DEBTOR.

**MIRSADA HUSAGIC,
AHMET HUSAGIC,**

PLAINTIFF,

VS.

GMAC MORTGAGE, LLC,

DEFENDANT.

* **CHAPTER 13 CASE NO.**

* **11-04944-JAF**

* **ADVERSARY**

* **PROCEEDING NO.**

* **11-AP-00846-PMG**

**CONSENT JUDGMENT ON COMPLAINT TO
DETERMINE SECURED STATUS OF CREDITOR**

The above-styled adversary proceeding having come before the Court, upon the pleadings and affidavits filed therein, and pursuant to Federal Rule of Bankruptcy Procedure 7012, it is

ADJUDGED:

1. The Court finds that the Plaintiff's real property has no equity to secure the second mortgage. The property is encumbered by a valid first mortgage, held by OneWest Bank, FSB, in the amount of \$125,064.90 at the time of filing the petition. The Defendant holds a second mortgage that is wholly unsecured.

2. Claim No. 17 filed by GMAC Mortgage, LLC shall be treated as an unsecured claim in the Chapter 13 case.

3. The real property (the "Real Property") that is subject of the proceeding is located at 8218 Kensington Square, Jacksonville, FL 32217-4401, and more particularly described as follows:

THE NORTH 2.3 FEET OF LOT 5 AND THE SOUTH 21.7 FEET OF LOT 6, IN BLOCK 10, OF SUTTON PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, AT PAGE 80 THROUGH 80B, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.


4. The mortgage held by GMAC Mortgage, LLC recorded on February 16, 2006, at Book 13076, Page 2233, Instrument No. 2006056622 of the official records of Duval County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of GMAC Mortgage, LLC's lien prior to the entry of the Debtor's discharge.

5. Further, if this case is converted to a case under Chapter 7, or if this Chapter 13 case is dismissed, the mortgage will no longer be considered void and shall be resorted as a secured debt.

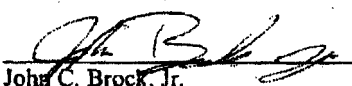
Dated this 29 day of December, 2011 at Jacksonville, Florida


JERRY A. FUNK
United States Bankruptcy Judge

KING & DOLAGHAN, P.A.


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RECORDED IN THE US BANKRUPTCY COURT
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J.B. VOL. 54 NO. 747.1

Copies to:

King & Dolaghan, P.A., Attorney for Plaintiff

GMAC Mortgage LLC

Albertelli Law, Attn: John C. Brock, Jr., Attorney for Defendant

Douglas W. Neway, Trustee

U.S. Trustee